



Reunite Families UK Written submission for Migrants Rights Network

Restrictive family unity rules for non-EAA (European Economic Area) migrants, resulting in long-term separation

In 2012 the UK government introduced a new set of family migration rules, stating that their objective was to “contribute to reducing net migration.”¹ The Home Office forecast a reduction in family route visa grants of between 13,700-18,500 per annum as a result of the newly implemented minimum income requirement.² By the HO own estimates over the six years there have been between 82,200 and 111,000 immediate family members of British citizens and settled persons precluded from entering the UK via family route.

In February 2017, the UK Supreme court declared the rules unlawful based on how some children are negatively affected by the HO decisions.³ It recommended that the Secretary of State expands the number of permitted sources of income to ensure that the decisions made are consistent with the Human Rights Act.⁴ Following the court order the rules were tweaked, but their compatibility with human rights law have not been examined by a court since. According to the new rules, the fact that the child is separated from a parent due to harsh immigration rules itself does not constitute a breach of the “best interests of the child” principle, nor does it give rise to “exceptional circumstances”. Those without children have to prove that they cannot reside in any other country.⁵

Couples who can meet the MIR still go on living separately for at least seven months in different countries. If the sponsor is employed, they must provide six months of evidence to prove that they can adequately meet the financial requirement; if there has been a job change, the applicant must show one year’s worth of evidence, and if the sponsor is self-employed, they must display one financial year’s worth of evidence. Even before the start of the qualification period, the British or settled sponsor usually spends months or even years finding a full-time job that meets the MIR, which is higher than the current full-time minimum wage. After the qualification period is served the foreign spouse can apply for a visa and then the family has to wait for the visa processing time to pass, which normally takes at least twelve weeks if the application is labeled “straightforward.” If the application is deemed to be “not straightforward,” it will take indefinitely longer; this category comprises of over 20% of all

¹ Home Office, Impact Assessment on Changes to Family Migration Rules, IA no: HO0065 (London, 2012) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/257357/fam-impact-state.pdf>, p. 10

² Ibid, p. 4

³ Hilary Term, ‘Judgment (on the application of MM (Lebanon)) (Appellant) v Secretary of State for the Home Department (Respondent) R (on the application of Abdul Majid (Pakistan)) (Appellant) v Secretary of State for the Home Department (Respondent) R (on the application of Master AF) (Appellant) v Secretary of State for the Home Department (Respondent) SS (Congo) (Appellant) v Entry Clearance Officer, Nairobi (Respondent)’, [2017] UKSC 10, On appeals from: [2014] EWCA Civ 985 and [2015] EWCA Civ 387 (London, 2017) <<https://www.supremecourt.uk/cases/docs/uksc-2015-0011-judgment.pdf>>, p. 39

⁴ Ibid, p. 37

⁵ Home Office, Immigration Directorate Instruction Family Migration: Appendix FM Section 1.0a - Family Life (as a Partner or Parent): 5-Year Routes (London, 2017)

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/701273/Appendix-FM-Section-1.0a-Family-Life-as-a-Partner-or-Parent-5-year-routes.doc.pdf>, p. 60





settlement visa applications in the first quarter of 2018.⁶ An appeal against refusal can easily take a further six months to a year. If an appeal is successful, decision-makers can take anywhere between several weeks to several months to issue a visa.⁷ When the financial requirement is not met, it is common practice for the HO to refuse even visit visas to the applicants.⁸

The Children’s Commissioner for England Report estimated that in 2015 there were 15,000 children separated from a parent as a result of the inability of their British or settled parent to meet the minimum income requirement.⁹ The real number at the current time is unknown. Since the implementation of the MIR, the UK has been described as having the least family friendly immigration policy in the developed world.¹⁰ Tens of thousands of families have been forced to maintain a family life over Skype, a phenomenon which has become unfavorably known as “Skype families.”

The nationally representative ICM research conducted by British Future and Hope Not Hate found that just 12% of respondents disagreed with the statement ‘UK citizens should be allowed to bring in immediate family (eg. spouse/partner, children under 18) irrespective of their income, as long as they can support themselves and provide housing.’¹¹ This demonstrates that British public does not support these harsh rules. Reunite Families UK campaign group is calling to abolish the minimum income requirement and to stop targeting foreign spouses of British citizens to reduce net migration.

⁶ Home Office, International operations transparency data: May 2018, (London, 2018)

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/708851/UKVI_Int_Ops_Q1_2018_Publications.ods>, table “Visa_01”

⁷ Children’s Commissioner for England, Family Friendly? The impact on children of the Family Migration Rules: A review of the financial requirements (London, 2015) <<https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/CCO-Family-Friendly-Report-090915.pdf>>, p. 86

⁸ Children’s commissioner, p. 86

⁹ Ibid, p. 114

¹⁰ Migrant Integration Policy Index, Family Reunion, 2015 <<http://www.mipex.eu/united-kingdom>>

¹¹ Rutter, Jill and Carter, Rosie, National Conversation on Immigration – Final Report, British Future and Hope not Hate. (London, 2018) <<http://www.britishfuture.org/wp-content/uploads/2018/09/Final-report.National-Conversation.17.9.18.pdf>>, p. 63





Works cited

Children's Commissioner for England, Family Friendly? The impact on children of the Family Migration Rules: A review of the financial requirements (London, 2015)
<<https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/CCO-Family-Friendly-Report-090915.pdf>>

Home Office, Immigration Directorate Instruction Family Migration: Appendix FM Section 1.0a - Family Life (as a Partner or Parent): 5-Year Routes (London, 2017)
<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/701273/Appendix-FM-Section-1.0a-Family-Life-as-a-Partner-or-Parent-5-year-routes.doc.pdf>

Home Office, Impact Assessment on Changes to Family Migration Rules, IA no: HO0065 (London, 2012)
<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/257357/fam-impact-state.pdf>

Home Office, International operations transparency data: May 2018, (London, 2018)
<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/708851/UKVI_Int_Ops_Q1_2018_Published.ods>

Migrant Integration Policy Index, Family Reunion, 2015 <<http://www.mipex.eu/united-kingdom>>

Rutter, Jill and Carter, Rosie, National Conversation on Immigration – Final Report, British Future and Hope not Hate. (London, 2018) <<http://www.britishfuture.org/wp-content/uploads/2018/09/Final-report.National-Conversation.17.9.18.pdf>>

Term, Hilary, 'Judgment (on the application of MM (Lebanon)) (Appellant) v Secretary of State for the Home Department (Respondent) R (on the application of Abdul Majid (Pakistan)) (Appellant) v Secretary of State for the Home Department (Respondent) R (on the application of Master AF) (Appellant) v Secretary of State for the Home Department (Respondent) R (on the application of Shabana Javed (Pakistan)) (Appellant) v Secretary of State for the Home Department (Respondent) SS (Congo) (Appellant) v Entry Clearance Officer, Nairobi (Respondent)', [2017] UKSC 10, On appeals from: [2014] EWCA Civ 985 and [2015] EWCA Civ 387 (London, 2017)
<<https://www.supremecourt.uk/cases/docs/uksc-2015-0011-judgment.pdf>>

